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ONE HUNDRED EIGHTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON THE JUDICIARY

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September 13, 2004

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The Honorable Colin Powell  
Secretary of State  
U.S. Department of State  
2201 C Street, NW  
Washington, DC 20520

Dear Secretary Powell:

Thank you for coming to Capitol Hill to consult with the Judiciary Committee on the U.S. Refugee Program. This program continues to be a critical part of our nation's commitment to be a place of refuge for people facing persecution around the world. The attention you have given this issue is encouraging and we appreciate your commitment to this program.

Before discussing refugee admissions, we would like to take this opportunity to express our appreciation of your decision to publicly state that the atrocities occurring in Darfur, Sudan are genocide. We believe this is an important step in galvanizing the moral, legal and political arguments for international action to immediately stop the genocide before 1.2 million people die. We appreciate your personal involvement and leadership on the Sudan conflicts, and are pleased that you have identified additional funds to facilitate the entry of African Union monitors and protection officers into Darfur. We also recognize your attention to the plight of Sudanese refugees in Chad and internally displaced people (IDPs) within Darfur, and are grateful for your important efforts to increase and facilitate humanitarian assistance for these victims.

While we hope that the Darfur crisis will result in the return of refugees and IDPs following a peace plan, these events are just the most recent reminder of why the U.S. Refugee Program (USRP) exists and is so desperately needed by people around the world.

### FY2004 and FY 2005 Admissions Numbers

We are pleased to see notable improvements in the operation of the USRP this year. The projected FY 2004 admissions represent a 76% increase over last year's admissions, and we know that this achievement is due in large part to your leadership. In addition, we understand that Gene Dewey and Kelly Ryan, the Assistant and Deputy Assistant Secretary of State for the Bureau of Population, Migration and Refugees (PRM), have been instrumental in improving this

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year's admissions numbers and the overall functioning of the program. We greatly appreciate their efforts.

As pleased as we are with this year's improvements, 18,000 refugees were still unable to obtain refuge here in FY 2004, even though admissions slots were approved for them. Given that the U.S. Committee for Refugees still estimates the global refugee population to be about 12 million, and a sizable percentage of that population is in need of a durable solution of resettlement, we implore you to not let admissions slots go to waste in this manner. There are many vulnerable populations, especially those indefinitely stuck in refugee camps, that we know have spent years waiting for needed resettlement. We urge you to continue filling the allocated admissions slots and we ask that you seek to fill all of the unallocated spaces as well in FY 2005.

Based on the President's budget request, it appears that he plans to set the ceiling at no more than 50,000 allocated admissions and 20,000 unallocated admissions slots, as was the case for FY2003 and FY 2004. Recognizing the global need for resettlement, we continue to encourage the President to authorize the admission of at least 100,000 refugees in FY 2005.

#### Populations of Great Concern

We are aware that PRM has given greater attention to long-stayers in refugee camps and has worked closely with the United Nations High Commissioner for Refugees (UNHCR) on this issue. As you well know, however, far more needs to be done to address the needs of this population and we would like to see your agency continue to work on resettlement plans, as well as other diplomatic plans, that would allow these refugees to leave these camps for better opportunities.

In addition, we remain committed to a robust admissions and assistance program in Africa. We are pleased that the number of Africa admissions has grown in recent years, and that issues of fraudulent applications have been successfully addressed. Given the obvious continuing need for attention to the refugees in this region, we question the declining allocation for Africa this year and implore you to reconsider that plan.

We also ask that you give greater attention to the needs of unaccompanied minor refugee children. The Lutheran Immigration and Refugee Service has informed us that some 500,000 unchild refugees have been identified, many of whom are orphans. We understand that in FY2002 we admitted 15 children in this category; in FY 2003 we admitted 23 and in FY 2004 we admitted 24. We ask that you give special attention to investigating the resettlement needs of this population. We would like our program to prioritize the admission of unaccompanied minor refugees in FY2005 with the development of a well designed plan to address this population.

### Refugee Processing

Again we would like to reiterate our strong support for a universal P-3 category. We do not believe that limiting family reunification admissions to those from a few countries is a fair or appropriate policy. In addition, a policy of universal admissions could help the USRP fill its unallocated admission slots each year.

We are quite pleased that the Department of Homeland Security is now preparing to launch the Refugee Corps to establish a cadre of refugee admissions and processing experts to assist with overseas investigations, interviews and screening refugee applications. We hope you will support this effort and that your officers will work closely with the Refugee Corps in the coming year.

### Questions

Finally, we have prepared a list of questions for you. We regret that we are unable to meet with you today to discuss these issues, but we would appreciate written answers to all of these questions by October 15<sup>th</sup>, 2004.

Overall Admissions Ceiling. You have made very good progress in increasing the number of annual refugee admissions this year. However, admissions numbers are still far lower than they have been for most of the last 23 years since the Refugee Act was enacted. What can we do to help you continue to increase refugee admissions annually, so that the program returns to at least 100,000 admissions annually? What can we do to help you to fill all of the refugee admissions slots approved in the Presidential Determination in FY 2005?

Per-Capita Cost of Refugee Admissions. To provide proper oversight for the U.S. Refugee Program it is necessary to accurately understand the costs associated with this crucial humanitarian program. With new security measures now in place, what is your best estimate for the per capita cost of admitting refugees?

Funding. The Administration's FY2005 budget request includes \$730 million for Migration and Refugee Assistance (MRA), which provides funding for overseas refugee assistance as well as U.S. refugee admissions. If you are provided this amount by Congress, will it be sufficient to admit 70,000 refugees - which is your proposed ceiling -- and to maintain at least the current level of overseas assistance? We understand that with an admission cost of \$3600 per refugee, this request would only provide enough money to admit 45 - 50,000 refugees in FY 2005. Is this true?

Protracted Refugee Situations. For which protracted refugee situations do you expect to use resettlement as a durable solution during FY 2005? What are the benchmarks for evaluating progress toward actually bringing in these refugees during FY 2005?

Targeted Response Teams. How many Targeted Response Teams (TRT) do you plan to field in FY 2005? Which refugee groups do you intend to explore through the TRT mechanism? Do you expect these investigations to result in refugee arrivals during FY 2005?

Unaccompanied Refugee Minors. In your report, you state that you accomplished all the initiatives set forth in last year's report "with the lone exception of developing targeted strategies to improve the protection of unaccompanied children." What strategies will you pursue this year to protect unaccompanied refugee children, a population that P.L. 108-199 identifies as requiring special consideration for admission?

Reduction in Africa's Ceiling. There are many areas of Africa where displacement continues, where protracted refugee situations exist, and where resettlement continues to be an essential durable solution as well as a strong signal of our nation's longstanding commitment to burden sharing. Yet your report reduces the refugee allocation for Africa from a revised FY 2004 ceiling of 35,000 to 20,000 in FY 2005. At the same time, the report identifies more than 28,000 Africans who could be resettled next year. Why has the Department chosen to reduce the allocation this year given the continued high need for resettlement of some African populations?

Congolese refugees in Mozambique. Why are you not planning for a group referral of Congolese refugees from the Marratane camp in Mozambique? The refugees have strong persecution claims and no foreseeable prospects for repatriation. Women in the camp have been raped and forced to trade sex for food. If UNHCR will not refer this group, aside from a trickle of individual referrals, why are we not moving ahead with a P-2 designation for these refugees?

Crisis in Darfur. What are the Administration's plans to respond to humanitarian crisis in Darfur? Will the additional funding for Darfur affect other overseas assistance funding?

Near East and South Asia Ceilings. The allocations for the Near East and South Asia seem low, especially given the implementation of the Specter amendment that provides a reduced burden of proof for Iranian religious minority refugee applicants. Delays in implementing the Specter amendment have resulted in fewer arrivals in FY2004, which would suggest an increase in FY2005. Why the decrease?

Refugee Corps. What is the estimated cost of implementing the Refugee Corps? Why has the Administration not included this cost in its budget request for FY2005?

Use of Private Voluntary Organizations. How does PRM intend to implement the P.L. 108-199 requirement that the Department of State "utilize private voluntary

organizations with expertise in the protection needs of refugees in the processing of refugees overseas for admission and resettlement to the United States?"

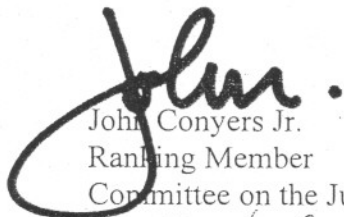
Priority 3 Refugee Processing. Priority three provides refugee status for family reunification. Your report indicates that you will expand the list of nationalities eligible for P-3 refugee processing to 14 nations. But P.L. 108-199 mandates the government to expand the P-3 program *universally* to all countries. When will the Department comply with this requirement?

Universal In-Country Processing. In your report, you announce an intention to extend in-country processing authority to any location in the world for "individual protection cases," at the request of the U.S. ambassador. In light of the department's renewed efforts to identify refugees in need of resettlement, why not extend such in-country processing authority for other groups of refugees, as well?


Cuban and Haitians. I am pleased by the expansion of P-3 to Cubans and Haitians, but it only applies to applicants outside their countries of nationality or habitual residence. I am not aware of any processing posts outside of those countries in the region that could process these applicants. Will a processing post be established in the Caribbean region in order to receive and process applications from Cubans and Haitians outside their country?

We look forward to hearing your plans for FY 2005. Thank you for your attention to our concerns.

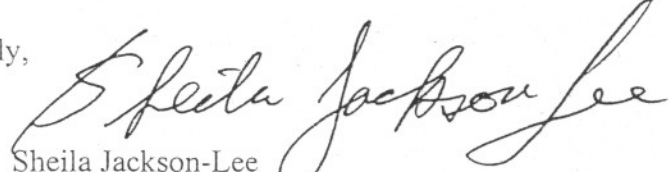
Sincerely,



John Conyers Jr.  
Ranking Member  
Committee on the Judiciary



Zoe Lofgren  
Co-Chair, Bipartisan Congressional  
Refugee Caucus



Sheila Jackson-Lee  
Ranking Member, Subcommittee on  
Immigration, Border Security and Claims

cc: The Honorable F. James Sensenbrenner  
Chairman, Committee on the Judiciary

The Honorable John N. Hostettler  
Chairman, Subcommittee on Immigration, Border Security and Claims

The Honorable Thomas J. Ridge  
Secretary, Department of Homeland Security

The Honorable Gene Dewey  
Assistant Secretary of State,  
Bureau of Population, Migration and Refugees